

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE WESTERN DISTRICT OF TENNESSEE  
4 EASTERN DIVISION

5 DANIEL FAIN FOWLER, )  
6 Plaintiff, )  
7 vs. ) Civil Action No.:  
8 WOODRIDGE OF WEST TENNESSEE, ) 1:23-cv-01005-STA-jay  
9 LLC d/b/a PERIMETER )  
10 BEHAVIORAL OF JACKSON, )  
11 Defendant. )

12 THE VIDEOCONFERENCE DEPOSITION OF MR. GREGORY SIZEMORE  
13 February 29, 2024

14 **A P P E A R A N C E S**

15 For the Plaintiff: MR. JAY A. EBELHAR  
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Nashville, Tennessee 37203  
18 For the Defendant: MR. CHARLES H. BARNETT III  
19 MR. CHARLES H. BARNETT IV  
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21 Also Present: Mr. Daniel Fain Fowler

22  
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The videoconference deposition of  
**MR. GREGORY SIZEMORE** was taken via Zoom at the instance  
of the Plaintiff, pursuant to notice, on the 29th day  
of February, 2024, beginning at approximately 5:03 p.m.  
and ending at approximately 7:13 p.m., for use pursuant  
to the Tennessee Rules of Civil Procedure before  
Jill A. Schaffer, Registered Professional Reporter,  
Licensed Court Reporter, and Notary Public for the  
State of Tennessee.

Counsel stipulated that all objections, except as  
to the form of the questions, were reserved to on or  
before the hearing and that all forms and formalities,  
including the reading and signing of the completed  
deposition by the witness, were expressly waived.

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1 first encounter I had with him.

2 It would have probably been around mid to late  
3 March, and that was the first time I met him.

4 Q Was that an in-person meeting?

5 A It was an in-person meeting.

6 It was unscheduled. He appeared in front of my  
7 door. And I -- I have a pretty vivid memory of that.  
8 He was kind of being loud. And the HR director was  
9 probably in -- she was in an adjacent office, but I  
10 would say 40, 50 feet away.

11 And he was raising his voice demanding who was  
12 going to come and participate in a meeting in my  
13 office. And I informed Mr. Daniel I don't know exactly  
14 who he is, but we don't work that way here.

15 If you want to meet with me, he can come in and  
16 act like a gentleman, and we could have a conversation,  
17 but he's not going to hold court in my office. And so  
18 he did come in and -- and have a conversation.

19 Q Had he -- had he just received a termination  
20 notice from you?

21 A My recollection was that he had not received that  
22 yet. But the time -- you know, that's -- that's  
23 several years ago. I -- I -- I got to be honest with  
24 you.

25 I knew that he was out on suspension; that's about

1 all I knew. I had never met the fellow. So I -- I was  
2 wondering why somebody is in front of my office yelling  
3 instructions to me and my staff. So that's why I asked  
4 him to have a seat and put his bag away and all that  
5 kind of stuff, so...

6 Q If it turns out that the facts are that you had  
7 sent a termination notice to him before that -- before  
8 that meeting, tell us why you did that. Why did you  
9 fire him before that meeting?

10 A So, again, my -- my recollection -- my  
11 recollection was that that meeting is one of the  
12 reasons that I -- I said I needed to look at his file  
13 because I was alarmed by this gentleman's behavior  
14 working with kids, number one.

15 And, number two, I knew -- know that we needed  
16 a -- a therapist in the residential treatment center,  
17 which is the job that he had at that facility. There  
18 were several levels of care at that facility. And for  
19 the RTC, we needed a therapist up there. I believed  
20 that he would be out on suspension for a while.

21 Q Did he --

22 A So he was going to be on suspension for quite a  
23 while since the -- for the reason that he was out on  
24 suspension.

25 Q Mr. Sizemore, if -- if it turns out -- you know,

1 April 18th was the result of my concern over his first  
2 meeting with me at the end of March and my looking into  
3 the record because I had only been instructed and  
4 informed that he'd been on suspension.

5 So that is the second meeting. The meeting that  
6 happened after April was the second meeting.

7 Q (By Mr. Barnett III) Were there two meetings?

8 A (The witness nodded.)

9 There were two meetings.

10 Q There were two meetings?

11 All right. Tell me when -- why did you terminate  
12 him?

13 A I terminated him because we needed a therapist in  
14 the RTC. And in -- in -- I -- I would say to -- to  
15 your -- your earlier question I was never during my  
16 whole year there given any indication that the State of  
17 Texas had authorized or released him from the ongoing  
18 investigation of their child that was in our facility.

19 I also do not remember receiving during my -- I  
20 don't remember receiving any clearance from the State  
21 of Tennessee Department of Children Services or DHS  
22 that he had been cleared of -- of the allegation that  
23 resulted in his suspension and then his meeting with me  
24 sometime in late March.

25 Q Did you -- what did you learn about his

1 Q Did -- how did you know what was or wasn't true  
2 since you only arrived there in mid March at best?  
3 Right?

4 A That's correct.

5 Q So how would you know what complaints he had made  
6 and what whistles he had blown before then?

7 A Right. So I -- I'm not familiar with any of the  
8 whistles that he's blown. I -- I was referring to his  
9 ranting about wanting position changes and demanding  
10 reimbursements and just continual, you know -- I -- I  
11 do recall him saying that he had created a Web platform  
12 for utilization management over a -- over a period of a  
13 weekend.

14 I just found him to be really out of touch,  
15 noncredible, and -- and, quite honestly, concerning  
16 is -- is my -- that was what I took from his initial  
17 conversation. As far as direct -- directly linked  
18 allegations to anything specific, I don't remember him  
19 giving me anything substantial.

20 Q All right. Well, take -- take me through your --  
21 your best recollection of what you were told about  
22 Mr. Fowler before you met him.

23 A I was told that he was on suspension. I got a --  
24 I got an update from Mackenzie Rowan, who was a  
25 somewhat newer HR director, and she gave me a list of

1 what was going on HR-wise.

2 And one of the things -- it wasn't at the top of  
3 the list, but it was -- it was that we had a therapist  
4 that was on leave, suspension pending the outcome of  
5 investigation. And it was centered around some  
6 concerns with him making statements to a female Texas  
7 resident.

8 Q Okay. All right. Is that all the information you  
9 had?

10 A There -- that's it. Yeah. And that's why I was  
11 very alarmed when he showed up to my door very loud and  
12 demanding and ranting.

13 Q Tell me about -- about that. When did that take  
14 place?

15 A That was sometime in -- it was within my first  
16 month, so it would have been sometime very late March  
17 or -- or very early April.

18 Q Okay. And you --

19 MR. BARNETT IV: That's actually in  
20 April. The other prior -- and you can -- yeah. And  
21 other than -- and, actually --

22 MR. EBELHAR: I'm going to object to  
23 this discussion as being improper. We're here to  
24 depose the witness based on his memory.

25 MR. BARNETT III: Sorry.

1           A     My door was open.

2           Q     Okay. So he comes in your door. So take us  
3           through what happened.

4           A     Okay. He's standing -- he's carrying a book bag,  
5           and he looks to me a little disheveled at that time and  
6           angry. And then he -- I can remember him yelling, I  
7           want Erika down here; I want -- I don't remember. He  
8           rattled off a couple of names. I want them in Greg's  
9           office. We're going to meet now.

10                  And I remember telling him, I said, I -- I don't  
11           know who you are. I don't know what you think is going  
12           on here, but we're not going to do it this way. And I  
13           don't remember exactly what I said, but I said, You can  
14           come in and have a seat and talk to me, or we can go  
15           ahead and -- and have him just leave now. And he did  
16           come in and have a seat.

17           Q     Okay. So --

18           A     And we talked through a few things, and then I had  
19           Miss Mackenzie come in as a witness.

20           Q     All right. Tell me what was -- what -- what he  
21           said, what you said, what you contend he said.

22           A     It's been a while, but I can tell you mainly  
23           Miss Mackenzie was a witness. Mr. Fowler talked -- he  
24           was very disorganized in his conversation. He went  
25           from one topic to another.



1 I -- I do remember him bringing up things about  
2 his license and being -- let's see. I don't remember  
3 if he was divorced or separated, but there were  
4 proceedings going on, that we were making his life hard  
5 and that, you know, he was being done unjust, you know,  
6 that he needed to be brought back from suspension and,  
7 you know, that we were making a big mistake.

8 So that's -- those are kind of the general topics  
9 I remember from that. We -- we -- we did talk.  
10 Temperatures calmed down, and we talked a little more.  
11 And, you know, I -- I know what I would have said is,  
12 The investigation has to take its course.

13 And -- and that's -- that's what I stand behind  
14 that should have happened, that the investigation has  
15 to take its course. And you can't internally free  
16 yourself from an abuse claim. You have to have that  
17 done externally.

18 Q Did it take its course?

19 A I don't know that Texas has cleared him to this  
20 day.

21 Q Do you know that Texas -- whether Texas ever  
22 investigated?

23 A Oh, they did, yes. They did. I had multiple  
24 calls from Texas. They wanted to make sure he was not  
25 still working back at the facility. They were still

1 A I believe it occurred -- I believe it was in late  
2 March. It could have been early April, but I believe  
3 it -- I believe it happened in late March.

4 Q And you believe that that meeting occurred before  
5 you served the termination notice.

6 A That's correct. And I -- I will state I don't  
7 remember sending one out, so I assume that came from  
8 Human Resources.

9 Q Well, who would have made the decision to  
10 terminate him?

11 A To terminate? If -- if I were CEO at the time, it  
12 would have been me. And I made the determination, so I  
13 do believe that -- I believe my chronology is correct  
14 of a late March meeting and an April 18th meeting.

15 Q Okay. You were -- you were taking us through the  
16 meeting, and -- and you told me that he was -- he was  
17 upset when he came to see you, knocked on the door.  
18 Everybody calmed down. You had a discussion with him  
19 about it.

20 He asked for who to come in, and you wanted them  
21 to come in -- so who was that lady?

22 A Miss Mackenzie, the Human Resources director.

23 Q Miss Mackenzie, the Human Resource lady?

24 A Um-hum.

25 Q And you all had discussion; is that correct?

1 word "reasonable." Is that correct?

2 A Yes.

3 Q Okay. And so what were the circumstances of -- of  
4 this allegation that made it reasonable?

5 A Well, I'm not -- the -- the reasonable part was  
6 the girl made an allegation to his -- one of the staff,  
7 which contrary to this PHI policy, which is not the  
8 investigation policy -- this is a -- this is a policy  
9 about protecting and what can be disclosed once an  
10 allegation of abuse is done, not actually conducting an  
11 investigation.

12 Q So there is another policy?

13 A I would hope so. I can't speak definitively, but  
14 this is about PHI; this is not about conducting an  
15 investigation.

16 Q Well, okay. But, number one does -- does have to  
17 be -- before anything, it has to be a reasonable  
18 belief. Correct?

19 A That policy and procedure is trumped by state law,  
20 and that is any allegation of abuse has to be reported.  
21 And it should have been reported, and I stand by that.

22 Q Okay. So is it -- is -- is it your understanding  
23 that any time anybody says anything --

24 A No. If -- if it's about abuse towards a patient,  
25 whether sexual or physical, the -- the employee should

1 be -- I would have suspended the employee, and I would  
2 have made a report. That -- and so that's contrary to  
3 that because state law --

4 Q Whether it's --

5 A -- trumps that.

6 Q Whether it's reasonable or not, any -- any time an  
7 allegation whatsoever, however unfounded it may be, you  
8 report it to the DHS and suspend the employee?

9 A (The witness nodded.)

10 If it's about abuse towards a patient, yes.

11 Q You didn't answer the -- that's been the policy,  
12 that if anybody said anything you suspend -- suspend  
13 the person for -- indefinitely.

14 A Until the -- until the report is done and the  
15 investigation is done, right. Yeah, if it's about  
16 abuse.

17 Q And what -- what is "abuse"?

18 A Well, I think that would, hopefully, be gathered  
19 in -- in more comment somewhere in a different policy  
20 other than PHI policy, but I think in this indication,  
21 it was sexual in nature, asking someone to expose  
22 themselves. So that would have been an allegation of  
23 sexual abuse.

24 Physical abuse would have been putting -- putting  
25 your hand on a kid without any appropriate reason for

1 A No, because he -- he was -- the action plan was  
2 that he was suspended. If we would have brought him  
3 back, there -- there would have definitely been an  
4 action plan for safety, the contract for safety for the  
5 situation. But because he was on suspension, that  
6 was -- that was good enough at that point.

7 Q Okay. After that meeting, you did -- you -- I was  
8 asking you after that meeting, what did you do? And  
9 you told me that you talked to HR.

10 A (The witness nodded.)

11 Q Right?

12 A Right.

13 Q And -- and that was who in HR? My memory is so  
14 poor.

15 A It's okay. Mackenzie Rowan is the -- the HR  
16 director that was there when I -- that I worked with.

17 Q Okay. Is she still there?

18 A I believe she is. My -- my last understanding is  
19 that she's still there.

20 Q And what did she tell you?

21 A So we looked at the -- I -- I wanted to look at  
22 his file. I think I saw a few disciplinary action  
23 forms. One thing that struck out to me -- I always try  
24 to look at the application -- is that he had an open  
25 harassment charge that he failed to report, which

1 concerned me, especially based on my previous  
2 interaction with him earlier that day.

3 So I asked her, Why in the world do we have  
4 somebody with an open harassment charge working at our  
5 facility? And she couldn't answer that question. I --  
6 I think the answer she gave was she wasn't the HR  
7 director at the time of his employment.

8 Q But did you determine that there wasn't an open  
9 charge, that that was a spurious charge that had been  
10 dismissed?

11 A It was open at the time I -- that I reviewed it.

12 Q Did you -- did you check with the court?

13 A (The witness nodded.)

14 I checked online.

15 Q Did you?

16 A Yeah, I did.

17 Q Tell me -- tell us the procedure you used to check  
18 online.

19 A We look on the -- the court docket. So I didn't  
20 look at the official record, so I -- I will clarify  
21 that statement.

22 Q So you didn't check it.

23 A I -- I didn't check it on an official document,  
24 yeah. It was --

25 Q Did you check it on an unofficial document?

1 A It was online. Yes, sir.

2 Q What --

3 A It showed up in --

4 Q -- online?

5 A I'm sorry. Go ahead.

6 Q What online?

7 A So we had an online backup check that we used, a  
8 third-party vendor -- I cannot tell you the name of  
9 it -- that they pull background checks.

10 Q So you had -- you really had no idea whether it  
11 was pending or not.

12 A Well, it -- it -- it wasn't listed that he had  
13 been charged with it, so either way in my eyes he's  
14 lying.

15 Q So you determined that this guy was lying when the  
16 truth of the matter was that he wasn't.

17 A I don't believe that's true. I think he had been  
18 charged.

19 Q But you -- you don't believe that's true. You  
20 don't believe that this -- that this matter arose from  
21 a divorce, and his wife made this silly charge. It was  
22 dismissed by the Judge, and he brought in evidence of  
23 that, and that's why he was hired. You're just going  
24 to tell us that he's a liar. Right?

25 A There was no evidence in his file, so I don't --

1 Q You're not -- you're not telling that -- that  
2 you're not the person that's -- correct? Does that  
3 make -- well, okay. What else did you do?

4 A I believe that -- I don't have the application,  
5 but I believe it's -- you know, you're supposed to list  
6 when you're charged. And if he did report that, I  
7 could be wrong, so I apologize for that. But I -- I  
8 didn't see any evidence of him clarifying the  
9 harassment charge.

10 Q So now you're -- you're telling us that it wasn't  
11 him that -- that told the -- about this -- this charge  
12 when he was -- when he applied. Is that correct?

13 A I wasn't there when he was -- applied. I know it  
14 was not in the documents that I saw. I saw an open  
15 harassment charge based on our third-party vendor that  
16 does background checks.

17 I didn't see it listed. There's a place where you  
18 mark if you've ever been charged. And if it was  
19 erroneous and silly from his wife, I apologize. But he  
20 didn't mark that he had been charged, and he had been  
21 charged. He may have gotten it cleared up, but he had  
22 been charged. And I do think he lied.

23 Q Okay. So then after you -- you -- after you  
24 checked with some online vendor and -- and talked to  
25 the HR lady, then what did you do?



1 Q Okay. And I believe you testified that -- that  
2 Star Armstrong wasn't -- there wasn't much -- actually,  
3 I think you said there was no consultation with -- with  
4 Star Armstrong. Is that right?

5 A I don't remember any conver -- any conversations  
6 with her. We were not really -- I don't think I was  
7 welcomed by Ms. Armstrong to some degree because I took  
8 the CEO role that I think she wanted.

9 There was no animosity or -- or she wasn't  
10 aggressive towards me, but I would not have consulted  
11 with her.

12 Q If -- if you had consulted with her and she had  
13 made negative statements about -- about Mr. Fowler,  
14 would that have -- strike that.

15 Is there anything that she could have said to you  
16 that would have altered your decision to go ahead and  
17 proceed with termination?

18 A No.

19 Q Were you aware or did anyone -- let me -- let me  
20 ask this a different way. Did anyone make you aware,  
21 whether it was Mr. Fowler or anybody else, that  
22 Mr. Fowler had reported violations of law by Perimeter  
23 to any state agency of the state of Tennessee?

24 A I don't have any -- no, hum-um.

25 Q Okay. I -- I'm going to quickly show you a few

1 matter who investigates it that you're going to  
2 determine that this man is guilty?

3 A This -- this single suspension and investigation  
4 is not what the -- what I hold -- held my hat to. It  
5 was the nature of my conversations with him; it was the  
6 fact that there was an allegation that didn't get  
7 cleared until June; that I had had conversations of  
8 steep concern from people from this state of Tennessee  
9 and from Texas; and the way he behaved in my office.

10 He lied on his application, and he misrepresented  
11 many things in the conversation that I feel I had with  
12 him. I -- I feel like I stand by the decision to  
13 terminate.

14 Q Well, what -- what about that he was trying to  
15 take the initiative to develop a software program to  
16 help children?

17 A It's -- it's outlandish. Quite honestly, it's  
18 bizarre and outlandish and it's not true. It's --  
19 it's -- it's -- I -- I have a friend in Fort Lauderdale  
20 developing one, and he's got an MBA in engineering and  
21 has worked on it for years. I think it speaks to the  
22 general nature of his willingness to -- well, nonsense.

23 Q Sort of like as outrageous of Hedy Lamarr  
24 inventing a system for frequency hopping during World  
25 War II?

STATE OF TENNESSEE